According to Mr. Lambert it is not necessary to amend the French Constitution to secure judicial review. The various declarations of rights which have never been repealed furnish, he thinks, ample basis for courts to control French legislation. But judicial review, as he sees it, would have to be adopted gradually in order to fit into a system unaccustomed to the checks which such a practice requires.

The treatise is concluded with a section on the advantages of the study of comparative legislation and jurisprudence which, in the judgment of the author, must include not merely a review of legislation but also of judicial decisions. He thinks the French attitude to confine attention almost exclusively to code and statute law is wrong and offers suggestions for the study of American case law.

The author fails to distinguish between judicial review of state laws, definite provision for which was made in the federal Constitution, and the review of acts of a co-ordinate department of the same government, which was the outgrowth of judicial construction in the states and in the nation. A few errors of fact, such as the discussion of the reform of the federal judicial code so as to secure greater uniformity in the interpretation of the federal due process clause without any mention of the amendment to remedy this defect, have probably resulted from the difficulty in securing material regarding foreign institutions and practices.

The author is to be commended for delving beneath the traditional theories and conventional platitudes which characterize the work of many American and foreign writers who deal with judicial review, and for presenting a succinct summary and critique on the underlying theories as well as some of the obvious results of judicial review of legislation. Dealing as the author does with the effects of judicial review largely in relation to social legislation, certain important phases of the practice are not considered and the significance of the practice of review is somewhat exaggerated in its relation to the general characteristics of American law. It is a type of work, however, which not only will be serviceable to Frenchmen but also will be of interest to judges, lawyers, and teachers of public law in the United States.

CHARLES GROVE HAINES.

THE LAW IN BUSINESS PROBLEMS. By Lincoln Frederick Schaub and Nathan Isaacs. New York: The Macmillan Company. 1921. pp. xxxiv, 821.

The present volume aims in the main "to show the legal system in its relation to the problems and policies of business administration"; to "anatomize" business and to "study the part played by the law in this anatomy." It is intended primarily for use in training students whose chief interest lies in the field of business administration rather than in the field of law. It is divided into five parts: Introductory Topics includes such matters as the nature and sources of the law, and the place of business law in the general scheme of legal classification; Part I, Engaging in Business, relates to the so-called "right" of engaging in business together with the limitations imposed thereon by the law concerning public utilities, unfair trade, licensing statutes, etc.; Part II, the Law of Contracts with Special Reference to the Relation of Buyer and Seller, deals with the rules and principles relating to the formation and interpretation of contracts, parties, etc.; Part III, the Enforcement of Contracts, with Special Reference to the Relation of Debtor and Creditor, gives a general summary of the steps in an action, the various remedies provided by law, and the law of guaranty, suretyship, mortgages, conditional sales, pledges, and negotiable instruments; Part IV, the Law of Business Organization, deals in

a summary way with the relative merits of the different forms of business organization, and the law of agency, corporations, and partnership.

Much of the book is in the form of text, some of it consisting of excerpts taken from the writings of other authors. Interspersed with the text there is a large number of cases taken from the reports and freely edited. The cases are in large part merely illustrative. To some of the chapters has been added a list of practice problems. The work has been carefully and painstakingly done. The materials of a more or less general nature have been chosen with discrimination, and the legal rules and principles are, on the whole, stated with precision. One rather remarkable slip appears, however, on page 277, where the decision in *Henry* v. *A. B. Dick Co.*, 224 U. S. 1, is set out at length without mention of *Motion Picture Patents Co.* v. *Universal Film Mfg. Co.*, 243 U. S. 502.

It must be apparent that one who purports to write a law book for lay readers, even although they be students of business administration, essays a difficult undertaking, and one that is pregnant with incalculable possiblilites for mischief. There is ever present the danger that the limitations inherent in a summary statement of the law will result in the impression being conveyed that the law is such a simple and definitely articulated agency of social control as to make unnecessary the expert. It may well be doubted whether the layman with his lack of understanding of legal terminology and analysis will be able to read into such a summary the subtleties and refinements which to the skilled reader are an ever present reality. In view of this circumstance the promise contained in the quotation above, taken from the Preface, would seem to augur well. The vivisection of business to reveal the relation of its functions and activities to each other and to the law should certainly prove to be a highly instructive exercise for both the business man and the lawyer. It is, however, doubtful whether the promise has in the present instance been wholly fulfilled. There is much about the book that is different, but in the main it seems to follow the traditional lines. It consists in large measure of a summary statement, more or less detailed, of legal rules and principles. It must not be supposed that any attempt has been made to gloss over the perplexities of the law. The defect appears to consist rather in a failure sufficiently to emphasize these perplexities affirmatively. It may well be doubted whether it is feasible to do more for the lay reader than to detail for him the legal path along which it is possible for him to travel in perfect safety, at the same time pointing out that if he contemplates swerving from that path it would be wiser and less expensive in the end to consult one who has made the law his primary concern. For example, as regards the subject of contracts, it is submitted that it would be more understandable to the layman and more helpful to emphasize the necessity of his specifying fully and clearly, without the use of technical language, which he is apt to misunderstand, all the details of agreement, and of providing so far as possible for all contingencies, than it is to set out for him the numerous rules relating to the interpretation of contracts. (P. 285 *ff.*) One might much more profitably warn him of some of the contingencies which occur with frequency and cause trouble if not provided against. Instead of setting out the conflicting decisions relating to the construction of instruments signed by an agent on behalf of his principal (pp. 541–544), would it not be more to the point to tell the business student how such an instrument should be signed? It is arguable that by setting out the detailed rules in regard to what happens when the thing is not done properly the correct course appears by inference, and that it conduces to mental activity along legal lines to have it appear in this way. Were the reader a law student the argument would have weight. However, the average reader whose interest lies primarily in other fields will scarcely have either the time or the patience necessary to enable him to grasp the inference. When one considers the breadth of the field covered within the limits of a single, moderately-sized volume, one marvels that the attempt to do

more than to furnish a few general directions has succeeded so well as it has. The part of the book which seems to the writer to come nearer to fulfilling the promise than any other is the chapter headed Internal Relations and Control. There is here more that a layman can comprehend and less detailing of technical rules.

In the hands of a competent instructor the book will no doubt prove a valuable basis for class discussion. For the lawyer it is neither sufficiently unique nor comprehensive to be more than a hornbook, although it is a good one. For the lay reader there lurks the danger inherent in any attempt to gain a smattering of detailed knowledge concerning a difficult science.

GROVER C. GRISMORE.

HANDBOOK OF THE LAW OF TRUSTS. By George Gleason Bogert. St. Paul: West Publishing Company. 1921. pp. xiii, 675.

There has long been a need for a new American treatise on the law of Trusts. The leading text-book, that of the late, but not very late, Mr. Perry, has never been very satisfactory; and the latest edition, with its system of double footnotes, is somewhat chaotic and confusing to the reader. The subject is treated, it is true, in the text-books on Equity, notably in Pomeroy's Equity Jurisprudence, but the scope of these books forbids a very full treatment of any of the separate heads of equity jurisdiction. The English treatises on Trusts, such as those of Lewin, Godefroi and Underhill, are more and more concerned, in each successive edition, with English statutes, and are becoming less and less useful to the American practitioner and law student.

Professor Bogert's book purports to be an elementary treatise, one of the Hornbook Series published by the West Publishing Company. But it differs from most elementary books of the sort, in that it is a thorough and scholarly piece of work. Naturally the author cannot in less than 600 pages of text treat in detail all the problems of the law of Trusts; and some matters of interest have to be omitted altogether. The only question which may fairly be asked is whether the choice of material and the apportionment of space has been made with sound judgment; and the answer, it is believed, is an emphatic affirmative. One very valuable feature of the book is the extent to which the author has made use of articles in the law magazines. Such articles are receiving an increasing amount of attention in briefs of counsel and in judicial decisions.

It is to be regretted that Professor Bogert occasionally adopts the jargon of the earlier decisions, stating a principle in the form of what is obviously a fiction, as when he says that in certain cases fraud is conclusively presumed (p. 141), whereas liability is imposed in such cases regardless of fraud. But such instances are rare, for as a rule the author's statements are direct and clear. There is certainly no treatise on the law of Trusts which will be found more useful to the American student of the law; and it is believed that it will be of great value to lawyers also, as a clear presentation of fundamental principles and a guide to the most recent material on the subject.

AUSTIN W. SCOTT.

PRINCIPLES OF CONTRACT. By Sir Frederick Pollock, Bart. Ninth Edition. London: Stevens & Sons, Ltd. 1921. pp. lx, 820.

The ninth edition of this well-known work presents some changes which are noted in the preface. The author's remarks on the formation of contracts by correspondence are recast. As he truly says, the question has passed the